



Appearance:

MR PJ KANABAR for Petitioner

MR HK RATHOD for Respondent No. 1

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CORAM : THE CHIEF JUSTICE G.D.KAMAT and

MR.JUSTICE C.K.THAKKER

Date of decision: 19/08/96

ORAL JUDGEMENT : (Per G.D. Kamat, C.J.)

Admit. Mr.H.K. Rathod waives service of notice of admission on behalf of the respondents. By consent, to be heard forthwith.

This Letters Patent Appeal challenges the order of the learned single Judge, dated 9th of July, 1996, whereby the appellant's Special Civil Application was finally disposed of, remanding the Reference to the Labour Court, with a direction that the appellant-Panchayat be given an opportunity to lead evidence, with some more directions and observations.

Upon hearing the learned counsels, it transpires that there was an Award made by the Labour Court in favour of the respondents and under that Award, the respondents were entitled to be taken in as daily rated workers. The said Award was challenged in the Special Civil Application. The grievance in the present Letters Patent Appeal is that once the learned Judge came to hold that there was no proper opportunity for the appellant-Panchayat to have led evidence in support of its stand in the Reference before the Labour Court, there could not have been any further direction to reinstate the respondents. Several contentions were raised by Shri Kanabar, learned counsel appearing for the appellant in the appeal. But, finally, learned counsels have accepted what fell from the Court. The Court suggested that since the learned single Judge has already given directions to dispose of Reference No.669 of 1993 by a particular date, the respondents need not insist on reinstatement and instead, a direction be made to the appellant-panchayat to deposit a sum of Rs.1,00,000/- in this Court so that in the event the respondents succeed before the Labour Court, they may get the Award satisfied out of the said deposit.

Accordingly, the appellant-Panchayat is directed to deposit a sum of Rs.1,00,000/- in this court on or before 31st August, 1996 and upon deposit of the same, the Registry is directed to invest the same in a Nationalized Bank initially for a period of six months, on usual terms. The Labour Court, as directed by the learned single Judge, to record evidence, as offered by the appellant-Panchayat and complete the same before 31st of December, 1996 and in the event any fresh evidence is led by the respondents in support of their claim for backwages, the same shall also be permitted, with an opportunity of rebuttal so far as the appellant is concerned and in any event, Reference No.669 of 1993 shall be positively decided by final Award on or before 31st March, 1997. The Tribunal to decide the Reference without being influenced by any observations of this Court as also of the learned single Judge and strictly in accordance with law and on its own merits. Appeal stands accordingly disposed of. There shall be, however, no order as to costs.

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(apj)